

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 JAMES VINCENT BANKS,

Case No. 2:20-cv-00556-APG-NJK

6 Plaintiff

ORDER

7 v.

8 JOSEPH LOMBARDO, *et al.*,

9 Defendants
10

11 **I. DISCUSSION**

12 Plaintiff, who is an inmate in the custody of the Clark County Detention Center (“CCDC”),
13 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an application to proceed
14 *in forma pauperis*. Docket Nos. 1, 1-1.

15 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.
16 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma*
17 *pauperis* and attach both an inmate account statement for the past six months and a properly
18 executed financial certificate. Plaintiff has not submitted a properly executed financial certificate
19 or an inmate account statement for the past six months. See Docket No. 1. As such, the *in forma*
20 *pauperis* application is denied without prejudice. The Court will retain Plaintiff’s civil rights
21 complaint, but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff
22 will be granted an opportunity to cure the deficiencies of his application to proceed *in forma*
23 *pauperis*, or in the alternative, pay the full \$400 filing fee for this action. If Plaintiff chooses to
24 file a new application to proceed *in forma pauperis*, he must file a fully complete application to
25 proceed *in forma pauperis*, including an inmate account statement for the past six months and a
26 properly executed financial certificate no later than **May 22, 2020**.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed *in forma*

1 *pauperis*, Docket No. 1, is DENIED without prejudice to file a new application.

2 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
3 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
4 entitled information and instructions for filing an *in forma pauperis* application.

5 IT IS FURTHER ORDERED that no later than **May 22, 2020**, Plaintiff will either: (1) file
6 a fully complete application to proceed *in forma pauperis*, on the correct form with complete
7 financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for
8 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
12 Docket No. 1-1, but will not file it at this time.

13 DATED: March 23, 2020.

14
15 
16 NANCY J. KOPPE
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28